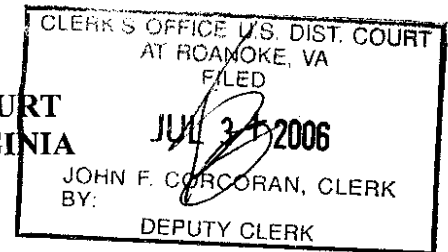


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



JAMES EDWARD FERGUSON, JR.,
Plaintiff,

Civil Action No. 7:06CV00460

v.

FINAL ORDER

JOHN WEBER, III,
Defendant.

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ORDERED

that the above referenced civil action, construed by the court as a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice and stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants, if known.

ENTER: This 31st day of July, 2006.

United States District Judge